

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Squires et al.
Title: CONTROL SYSTEM AND METHOD FOR AN EQUIPMENT
SERVICE VEHICLE
Appl. No.: 09/927,946
Filing Date: 08/10/2001
Examiner: Brian J. Broadhead
Art Unit: 3661
Confirmation Number: 5405

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
DETERMINATION UNDER 35 U.S.C. § 154(b)(3)(B)(ii)**

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants are in receipt of the Decision on Application for Patent Term Adjustment and Notice of Intent to Issue Certificate of Correction, dated May 10, 2006 for the above-referenced application. Applicants disagree with the revised Patent Term Adjustment under 35 U.S.C. § 154(b) and present the following facts pursuant to 37 C.F.R. § 1.705 to support the contention that the patent term adjustment (PTA) reward should be **227 days** instead of the 156 days calculated by the U.S. Patent and Trademark Office (USPTO).

BASIS FOR THE ADJUSTMENT

The following is the history of the patent term adjustment for the above identified patent. The Notice of Allowance, dated January 21, 2005 showed that the patent term adjustment for this patent application was projected to be 64 days. After receiving the Notice of Allowance, Applicants filed a Communication Regarding Patent Term Adjustment on March 27, 2006 noting that the patent term adjustment shown on the Notice of Allowance may be incorrect. The Patent Office then sent out the Issue Notification on March 15, 2006 which indicated that the patent term adjustment for this patent application was projected to be 247 days. On May 10, 2006 (the patent issued on April 4, 2006), the Patent Office sent Applicants A Decision on Application for Patent Term Adjustment and Notice of Intent to Issue Certificate of Correction stating that the patent term adjustment would be revised from 247 days to 156 days.

Applicants respectfully submit that the correct patent term adjustment for this patent is 227 days not the 156 days indicated in the Decision dated May 10, 2006. The USPTO's total delay is 324 days and is divided up as follows: (1) 71 days of delay under 1.703(a)(1) for failure to mail an action or notice of allowance within fourteen months from the filing date (i.e., filing date is 08/10/2001 and first action was mailed 12/20/2002) and (2) 253 days of delay under 1.703(a)(6) for failure to issue within four months after the issue fee was paid (i.e., issue fee was paid on 03/25/2005 and patent didn't issue until 04/04/2006). Applicant's total delay is 97 days and is divided up as follows: (1) 7 days of delay under 1.704(c)(8) for filing an IDS after filing a reply to an office action (i.e., Applicants filed a reply to an office action on 03/20/2003 and then filed an IDS on 03/27/2003) and (2) 90 days of delay under 1.704(b) for failure to reply within three months of an office action (i.e., final office action mailed on 06/17/2003 and Applicant filed an RCE on 12/16/2003). A patent term adjustment of 227 days (324 days of USPTO delay minus 97 days of Applicant delay) is, therefore, appropriate.

Applicants hereby state that the above identified patent is not subject to a terminal disclaimer.

Accordingly, Applicants request that the patent term adjustment for the above identified patent be changed to 227 days in accordance with 37 C.F.R. § 1.705(d).

A credit card payment in the amount of \$200.00 to cover the requisite fee associated with this request as specified in 37 C.F.R. § 1.18(e) will be made as part of the electronic filing system.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447.

Respectfully submitted,

Date: June 2, 2006

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